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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,162

12/15/2003

Jerry Dennis Sacks

1219.04

4405

29637

7590

08/17/2006

BUSKOP LAW GROUP, P.C.

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HOUSTON, TX 77056

EXAMINER

BAHTA, KIDEST

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/736,162	SACKS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kidest Bahta	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's Specification (page 5, [00035]-[00036]) in view of Francis ( US 6,600,418 ) and further in view of Isle et al. (US 4,931,950).

Regarding claim 1-9, Applicant's Specification discloses the mobile computer with the same features of the claim 1 has been available from Symbol Technologies, Inc. (see Page 6; using a mobile computer having a bar code reader, a display, an audio output device, an audio input device, a tactile input device, text-to-speech software, a voice recognition software, loader applications software, a printer and radio frequency identification (RFID) reader wherein the mobile computer is adapted for communication between an loader server system and a user and the loader server system is adapted for communication between the mobile computer and at least one external computer system).

However, The Applicant's specification doesn't specifically disclose the mobile computer been used for the purpose of object tracking and managing the transport vehicle.

Francis discloses that that display the summary of the objects to be loaded using via the text-to-speech software to audio output device (column 8, i.e., displaying on display 170 the instructions from the remote computer, display 170 includes a speaker or beeper and the input device 180 include tactile device (touch-screen) and audio (voice recognition device); RFID tag for the object 130 or bar code scanner 220; RFID tag for a transport vehicle 150. The operator receives the conformation of loading, the correct object has load and arrived at the correct loading dock or any instructions in different ways see column 3, lines 14-25, column 8, lines 29-65 reading from display 170 or an audio form. Finally, the object is product and piece of equipment pallet is a product and the machine part, which is piece of equipment.

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Applicant's specification mobile computer with Francis in order to facilitates easy and essentially instant identification and confirmation of load and location. Any operator error with respect to the identity, location and movement of the load is immediately identified and corrective action may be immediately taken. The chances for errors associated with visual inspection are thus greatly reduced.

Applicant's specification and Francis fail to disclose training the voice recognition software by the user and providing instruction to the user form the loader applications

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software using the text-to-speech software to the audio output device and providing information from the loader application software to the display; the answering to a series of safety questions or checks the vehicle safeness.

However, Isle discloses that training the voice recognition software by the user (column 16, lines 20-53; column 19, lines 46-55), and providing instruction to the user from the loader applications software using the text-to-speech software to the audio output device and providing information from the loader application software to the display (Abstract, column 4, lines 4-60; column 10, lines 16-29); the answering to a series of safety questions or checks the vehicle safeness (column 3, lines 39-42).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Applicant's specification with Francis and Isle in order to able to communicate with the user when the user's hands are busy and also when the user's eyes need to be focused on the task at hand rather than on a computer or video display.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kidest Bahta  
Primary Examiner  
AU 2125

8/15/06